



HON. SYLVIA O. HINDS-RADIX
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THE CITY OF NEW YORK
LAW DEPARTMENT
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May 8, 2024

VIA ECF

Hon. Stewart D. Aaron
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Application GRANTED. The settlement conference scheduled for May 15, 2024 is adjourned *sine die*. If this action has not resolved by July 8, 2024, the parties shall file a joint letter on that date regarding the status of settlement negotiations. SO ORDERED.

Dated: May 8, 2024

Att C an

Re: *K.S., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-4035 (DEH)(SDA)

Dear Judge Aaron:

I am a Special Assistant Corporation Counsel in the Office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for City of New York, New York City Department of Education ("DOE"), New York City Board of Education, and DOE Chancellor David Banks, collectively, ("Defendants"), in the above-referenced action, wherein two Plaintiffs seek, *inter alia*, compliance with two resolution agreements ("Resolution Agreements") pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA") administrative hearings.¹

The parties write jointly pursuant to the Court's Order on February 28, 2024 (ECF No. 32), to respectfully request that the Court adjourn the settlement conference scheduled for May 15, *sine die*, along with the pre-settlement submissions currently due today. The reason for this request is that a settlement conference would be premature at this time. The parties are working cooperatively to resolve the remaining implementation issue concerning one of the underlying resolution agreements, as Defendants are currently awaiting provision of proof of payment from Plaintiff K.S. r. Defendants issued payments to resolve the other issues. Once implementation is complete, the parties will turn to the resolution of attorneys' fees and costs. Toward that end, Plaintiffs will provide Defendants with the requisite attorney billing records shortly, so that Defendants can begin the City's internal review process. As such, a settlement conference with Your Honor is premature.

Accordingly, the parties respectfully request that the settlement conference scheduled for May 15 be adjourned *sine die*. Alternatively, the parties respectfully request that the settlement conference be adjourned for at least 60 days to permit sufficient time for Defendants to obtain settlement authority to participate in the settlement conference.

Thank you for considering this request.

cc: All counsel of record (via ECF)

¹ Plaintiffs also seek attorneys' fees and costs pursuant to the IDEA.

Respectfully submitted,

/s/

Lauren Howland
Special Assistant Corporation Counsel